

DAK #9

Attorney Docket No. MAF-10002/22



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marvin A. Frankel

Confirmation No. 6028

Serial No.: 09/979,570

Receipt Date: November 26, 2002

For: ANONYMOUS ON-LINE CASH MANAGEMENT SYSTEM

PETITION TO OBTAIN FILING DATE

ATTN. OFFICE OF PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

Applicant respectfully petitions to obtain the filing date of January 23, 2002 for the above-referenced application. Enclosed herewith is a petition fee as per 37 CFR 1.17(h). As Applicant believes the above-referenced application was entitled to the filing date of January 23, 2002, a refund of this petition fee is also respectfully requested.

The above-referenced application is a 371 of PCT/US00/13124 application, filed May 12, 2000. The application was not accorded the above filing date due to what appears to be a confusion of dates on behalf of the Patent Office.

Applicant received a Notification of Missing Requirements under 35 U.S.C. 371 dated January 4, 2002 stating that a signed Declaration was due to the Patent Office by February 4, 2002. A response to the Notification of Missing Requirements, along with the signed Declaration, was mailed to the Patent Office on January 23, 2002 (Appendix A), thereby making January 23, 2002 the priority date. Due to a clerical error, neither the appropriate fee nor a copy of the Notification of Missing Requirements accompanied the signed Declaration.

A March 28, 2002 telephone conversation between Janice Kuehn (Assistant to Applicant's

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GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C. 280 N. OLD WOODWARD AVENUE, STE. 400, BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6049

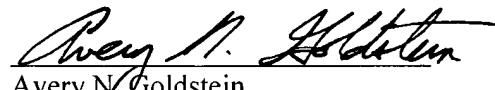
attorney) and Vonda Wallace (U.S. Patent Office) was held in which Ms. Kuehn was told that the errors would result in a delay, but not abandonment of the application.

On November 15, 2002, a Notice of Abandonment was mailed to Applicant's attorney. On November 26, 2002, Applicant's attorney prepared and filed a Petition to Withdraw Holding of Abandonment (Appendix B). Subsequently, a Decision on Petition Under 37 CFR 1.181 was granted and was received by Applicant's attorney on March 8, 2003.

Finally, Applicant's attorney received a Filing Receipt mailed March 19, 2003 that indicates the application's filing date as November 26, 2002 (Appendix C), rather than the correct date of January 23, 2003 (*see* Appendix A).

For the reasons set forth above, and because Applicant did meet all of the requirements as set forth under 37 CFR 1.494, Applicant's attorney requests that a corrected Filing Receipt be issued with the correct filing date of January 23, 2003.

Respectfully submitted,


Avery N. Goldstein
Registration No. 39,204
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
280 N. Old Woodward, Suite 400
Birmingham, MI 48009
(248) 647-6000

Date: September 24, 2003

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Adjustment date: 10/28/2003 LLANDERA
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Repln. Ref: 10/28/2003 LLANDERA 0013293200
DAM:071180 Name/Number:09979570
FC: 9204 \$130.00 CR

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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.


Janice Kuehn

September 25, 2003

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